RESPONSE UNDER 37 C.F.R. § 1.111
Appln. No.: 10/809,482

Docket No: Q80603

Additionally, Claim 2 has been rejected under 35 U.S.C. § 103, as allegedly being unpatentable over Yamaoka '904 and Higashi '183, in view of U.S. Patent No. 5,739,889 to Yamada, *et al.* ("Yamada '899").

Applicant respectfully traverses.

Claim 1 recites that the in-plane retardation value (R_0) of the phase retarder is not less than 20 nm and the retardation value along the film thickness direction (R') is more than 40 nm. The retardation value along the film thickness direction (R') is calculated on the basis of the retardation value (R_{40}) measured by inclining by 40° around the slow axis in the plane and the in-plane retardation value (R_0).

Yamaoka '904 discloses an optical compensatory film used for liquid-crystal devises. *See*, col. 1, lines 9-22, and Examples. Yamaoka '904 discloses that the optical compensatory film has a cellulose film base and a gradient orientation layer of a discotic liquid-crystal polymer provided on the base. *Id.* As stated on page 2 of the Office Action, Yamaoka '904 is deficient in that it fails to disclose that the in-plane retardation value (R_0) of the phase retarder is 20 to 300 nm, and the retardation value along film thickness (R') calculated based on the retardation value (R_{40}) and in-plane retardation (R_0) is 50 to 300 nm. Higashi '183 is relied upon to make up for these deficiencies in Yamaoka '904. Higashi '904 discloses a phase retarder in which the in-plane retardation value is not more than 50 nm and is smaller than the retardation value in the thickness direction. *See*, col. 3, lines 9-12.

A person of ordinary skill in the art would not have been motivated to modify the optical compensatory film disclosed in Yamaoka '904 according to the teachings in Higashi '183. A

person of ordinary skill in the art could not have uniquely identified the retardation value along

film thickness (R') in the optical compensatory film disclosed in Yamaoka '904. The discotic

liquid-crystal disclosed in Yamaoka '904 can provide for either a <u>clockwise</u> inclination of 40°

around a slow axis in the plane or a <u>counterclockwise</u> inclination of 40° around the slow axis in

the plane. As such, Yamaoka '904 fails to identify the retardation value at an inclination of 40°

around the slow axis in the plane. The inclination at 40° is a basis required to calculate the R'.

As the optical compensatory film disclosed in Yamaoka '904 cannot have the retardation value

along film thickness (R') uniquely identified, Yamaoka '904 would not have been combined

Higashi '183.

Further, Higashi '904 fails to make up for all of the deficiencies in Yamaoka '904.

Higashi '904 teaches that the in-plane retardation value thereof is smaller than the retardation

value in the thickness direction. Higashi '904 teaches that the in plane retardation value thereof

is not more than 50 nm. As a result, Higashi '904 teaches that the retardation value in the

thickness direction can be less than 40 nm, as long as the in-plane retardation value thereof is

smaller than the retardation value in the thickness direction. As such, Higashi '904 fails to teach

or suggest that the retardation value along the film thickness direction (R') is more than 40 nm.

Claims 2, 5, 6, 9, and 10 directly or indirectly depend from Claim 1. Therefore, Claims 2,

5, 6, 9, and 10 are not obvious for at least the same reasons as Claim 1.

No basis for rejection has been provided for Claim 3. Nevertheless, Claim 3 depends

from Claim 1. Therefore, Claim 3 is also not obvious for at least the dame reasons as Claim 1.

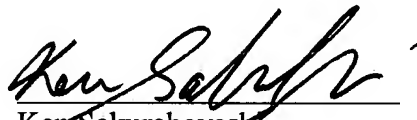In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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